

1 MICHAEL N. FEUER, City Attorney, SBN 111529
2 MARY CLARE MOLITOR, Chief, Criminal & Special Lit. Branch, SBN 8240
JONATHAN CRISTALL, Supervising Assistant City Attorney, SBN 191935
3 JEANNE KIM, Deputy City Attorney, SBN 173795
200 North Main Street, Room 966
4 Los Angeles, California 90012
Phone: (213) 978-4090
5 Fax: (213) 978-8717
Email: jeanne.kim@lacity.org

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

APR 24 2017

Sherri R. Carter, Executive Officer/Clerk
By: M. Soto, Deputy
Moses Soto

6 Attorneys for Plaintiff

NO FEE - GOV'T CODE §6103

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 ELMORE JACKSON, also known as ELMORE W.
15 JACKSON, an individual; and DOES 1 through 50,
16 inclusive,

17 Defendants.

CASE NO.: **BC 659 017**

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[HEALTH & SAFETY CODE SECTION
11570, *ET SEQ.*; CIVIL CODE
SECTION 3479, *ET SEQ.*; BUS. &
PROF. CODE SECTION 17200, *ET
SEQ.*]

(Unlimited Action)

21 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

22 **INTRODUCTION**

23 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
24 State of California (the "People"), for the purpose of abating, preventing and enjoining a
25 narcotics and gang-related public nuisance that exists at a property with addresses commonly
26 known as 1722, 1722 ½ and 1724 E. 114th Street, Los Angeles, CA 90059 (the "Property").
27 The Action is brought pursuant to the Narcotics Abatement Act ("NAL"), California Health and
28 Safety Code section 11570, *et seq.*; the Public Nuisance Law ("PNL"), California Civil Code

1 sections 3479-3480; and the Unfair Competition Law ("UCL"), California Business and
2 Professions Code section 17200, *et seq.*

3 2. The Property, located on a residential street in South Los Angeles, is comprised
4 of a front house and a detached two-story structure consisting of two additional residential
5 units. The front house and the two units share a common courtyard, a garage, and driveway.
6 Across the street from the Property is a place of worship that serves the local community.¹
7 Within 1500 feet from the Property are three elementary schools and two parks.²

8 3. The Property is also located in the midst of an area claimed by the Bounty
9 Hunter Bloods ("Bounty Hunters") criminal street gang³ as its turf. Narcotics sold within
10 Bounty Hunter territory are supplied by Bounty Hunter gang members. For well over a
11 decade, the Property has been, and continues to be, a busy "crack house," under the control
12 and operation of the Bounty Hunters, where the sale of cocaine takes place on a regular and
13 continuous basis to steady streams of buyers who walk and drive up to the Property to
14 purchase drugs. This Property has, and continues to have, a well-known and long-standing
15 reputation in the surrounding community and with the Los Angeles Police Department
16 ("LAPD") as an active narcotics location. Consequently, the Property generates a lawless
17 environment that intimidates and threatens the persons living in and visiting the
18 neighborhood.

19 4. Since at least 2008, law enforcement has documented 16 narcotics-related
20 incidents and made 9 narcotics-related arrests connected to the Property. More recently,
21 since 2013, there have been four search warrants executed at the Property due to the
22

23
24 ¹ Macedonia Baptist Church is located at 1755 E. 114th Street.

25 ² The three elementary schools are Flournoy Elementary School at 1630 E. 111th Street, Grape Street
26 Elementary School at 1940 E. 111th Street, and Lincoln Elementary School at 1667 E. 118th Street. The two
27 parks are William Nickerson Recreation Center at 11251 Compton Avenue and Monitor Avenue State
28 Park/Watts Serenity Park at 11300 Monitor Avenue.

³ The Bounty Hunters gang, one of the largest in Los Angeles, is a very active and violent turf-based gang that
has been in existence since the late 1970s, whose presence has been and continues to be deeply rooted in the
community. The gang claims the area which lies within the general boundaries of 108th Street to the North,
Imperial Highway to the South, Wilmington Avenue to the East, and McKinley Avenue to the West.

1 rampant narcotics sales that take place there, which has resulted in the recovery of narcotics
2 and marijuana at the Property. In addition, law enforcement officers have also investigated
3 and arrested two Bounty Hunter gang members for possession of large quantities of
4 ammunition on the Property, as well as investigating robberies, criminal threats and gang
5 groups loitering at the Property. Despite these investigations at the Property, law
6 enforcement officers specially trained in narcotics investigations continue to observe a steady
7 stream of drug users and buyers going to and from the Property to buy narcotics.

8 5. Defendant ELMORE JACKSON ("Defendant") has owned the Property since at
9 least March 10, 1975 in the capacity as a joint tenant with his now-deceased wife and as a
10 surviving joint tenant. The nuisance abatement prosecution is intended to permanently break
11 the more than decade-old cycle of gang and narcotics nuisance activity at the Property swiftly
12 and finally, and to make the Property safe for those who live, visit, and worship in the
13 surrounding area.

14 **THE PARTIES AND THE PROPERTY**

15 **The Plaintiff**

16 6. Plaintiff, the People, is the sovereign power of the State of California designated
17 in California Health and Safety Code section 11571 and California Code of Civil Procedure
18 section 731 to be the complaining party in actions brought to abate, enjoin, and penalize
19 public narcotics nuisances and public nuisances, respectively. Furthermore, the City of Los
20 Angeles has a population in excess of 750,000, and as such, California Business and
21 Professions Code section 17204 authorizes Plaintiff, the People, to prosecute actions for relief
22 under California Business and Professions Code section 17200, *et seq.* for unfair competition.

23 **The Defendant**

24 7. Defendant ELMORE JACKSON, an 84-year-old individual, is the current owner
25 of the Property, and has been the record owner of the Property since at least July 27, 2011,
26 and prior to that owned the Property as a joint tenant with his now-deceased wife since March
27 10, 1975.

28 8. The true names and capacities of defendants sued herein as Does 1 through

1 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
2 names. When the true names and capacities of said defendants have been ascertained,
3 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
4 names the true names and capacities of said fictitiously named defendants.

5 The Property

6 9. The Property consists of a front house and two additional residential units
7 behind the front house with addresses commonly known as 1722, 1722 ½, and 1724 E. 114th
8 Street, Los Angeles, California 90059. The Property's legal description is "Lot 5, in Block "A"
9 of Dunbar Park, in the City of Los Angeles, County of Los Angeles, State of California, as per
10 map recorded in Book 26 Page(s) 59 of Maps, in the Office of the County Recorder of Said
11 County. . . Except therefrom all oil, gas, minerals and other hydrocarbon substances, without
12 any right to the use of the surface of said land for the purpose of developing, exploring for or
13 extracting any of the above mentioned substances, as reserved in deed recorded March 10,
14 1975 as Instrument No. 205, Official Records," with Assessor's Parcel Number 6069-026-049.

15 THE NARCOTICS ABATEMENT LAW

16 10. The abatement of a nuisance is a long-established and well-recognized exercise
17 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
18 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
19 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
20 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
21 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
22 division" (Health & Saf. Code, § 11570).

23 11. The NAL provides that every building or place used for the purpose of unlawfully
24 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
25 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
26 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
27 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
28 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

1 12. Health and Safety Code section 11571 authorizes a city attorney to bring an
2 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
3 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
4 maintained, or exists in any county, the district attorney of the county, or the city attorney of
5 any incorporated city or of any city and county, in the name of the people, may . . . maintain
6 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting
7 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
8 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

9 13. Health and Safety Code section 11573(a) provides that: "If the existence of the
10 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
11 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
12 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
13 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
14 removal and sale of all fixtures and movable property on the premises used in aiding or
15 abetting the nuisance and for the closure of the building for up to one year.

16 THE PUBLIC NUISANCE LAW

17 14. Civil Code section 3479 defines a public nuisance as "[a]nything which is
18 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
19 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
20 interfere with the comfortable enjoyment of life or property...." (See *City of Bakersfield v. Miller*
21 (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in general terms the word 'nuisance' in
22 Civil Code section 3479...").)

23 15. Civil Code section 3480 defines a public nuisance as "one which affects at the
24 same time an entire community or neighborhood, or any considerable number of persons,
25 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

26 16. In particular, gang activity, such as drug dealing, loitering, consumption of
27 alcohol and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
28 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

1 The whole spectrum of typical street gang conduct, ranging from loitering, to public drinking
2 and boisterousness, to drug dealing, to gunfire, has been held to "easily meet the statutory
3 standard" for a public nuisance under Civil Code section 3479. (*People ex rel. Gallo v. Acuna*
4 (1997) 14 Cal.4th 1090, 1120.)

5 17. Civil Code section 3491 provides for the methods by which public nuisances,
6 such as those alleged herein, may be abated. Civil Code section 3491 states that the
7 "remedies against a public nuisance are indictment or information, a civil action or
8 abatement." Abatement is "accomplished by a court of equity by means of an injunction
9 proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249;
10 see also *People v. Selby Smelting and Lead Co.* (1912) 163 Cal. 84, 90 ("[I]n California, the
11 rule is well established that in proper cases injunctive relief which accomplishes the purposes
12 of abatement without its harsh features is permissible.").)

13 18. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
14 to enjoin or abate a public nuisance. It provides, in relevant part, "[a] civil action may be
15 brought in the name of the people of the State of California to abate a public nuisance . . . by
16 the city attorney of any town or city in which such nuisance exists."

17 19. Where "a building or other property is so used as to make it a nuisance under
18 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
19 knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel.*
20 *Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.*
21 (1958) 165 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without
22 negligence"); *People v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on
23 findings that such nuisance was conducted and maintained on the premises in question,
24 regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of
25 the owner . . . is unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not
26 necessary . . . for the trial court to find either, that the [defendants] threatened, and unless
27 restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the
28 building was used in violation of the act. . . . The existence of the nuisance was the ultimate

fact in this case, and having been found, supports the judgment.".) This is because "the object of the act is not to punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

THE UNFAIR COMPETITION LAW

20. The practices forbidden by the state Unfair Competition Law at Business and Professions Code section 17200 *et seq.* ("UCL") include any practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory or court-made. As the California Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal citations and quotation marks omitted).)

21. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that can properly be called a business practice and that at the same time is forbidden by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of residential housing, such as the Property, by sophisticated nonresident owners and managers doing so for the purposes of profit, is, axiomatically, a business under the UCL. (See *People ex. rel. City of Santa Monica v. Gabriel* (2010) 186 Cal.App.4th 882, 888 ["The renting of residential housing is a business."].) Thus, when a property owner conducts, maintains or permits a nuisance that is unlawful under the PNL to exist on the premises of such a property, it is a violation of the UCL.

22. Moreover, the UCL casts a broad net. "Any person performing or proposing to perform an act of unfair competition may be enjoined . . ." (Bus. & Prof. Code, § 17203; emphasis added.) The term "person" includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952,

1 960.)

2 23. Civil actions under the UCL may be brought in the name of the People of the
3 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
4 & Profs. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to
5 section 17200 based on violations of its own municipal code, state law, or other local
6 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-
7 339.)

8 24. Defendants engaging in violations of the UCL may be enjoined in any court of
9 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
10 judgments, including appointment of a receiver, as may be necessary to prevent the use or
11 employment by any person of any practice constituting unfair competition. (*Id.*)

12 25. Although no case has specifically been called upon to define the term "business"
13 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
14 as to effect its broad remedial purposes. (*See, e.g., Barquis v. Merchants Collection Ass'n*
15 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
16 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
17 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
18 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
19 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

20 26. Further, the ownership and operation of rental units is, axiomatically, a business.
21 (*See People ex rel. City of Santa Monica v. Gabriel* (2010), 186 Cal.App.4th 882, 888 ("The
22 renting of residential housing is a business."); *see also Barquis v. Merchants Collection Ass'n*,
23 (1972) 7 Cal.3d 94, 111-113 (giving a broad meaning of the UCL so as to effect its broad
24 remedial purposes)). Thus, when a property owner conducts, maintains or permits a
25 nuisance that is unlawful under the NAL and/or PNL to exist on the premises of such a
26 business, it is a violation of the UCL. (*See San Francisco v. Sainez* (2000) 77 Cal.App.4th
27 1302, 1323.)

28 //

1 **FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2 **[Health and Safety Code Section 11570, *et seq.* --**

3 **Against Defendant and DOES 1 through 50]**

4 27. Plaintiff hereby incorporates by reference Paragraphs 1 through 26 of this
5 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

6 28. On a continuous and ongoing basis, from an exact date unknown, but since at
7 least 2008, the Property has been and is currently being used for the purposes of unlawfully
8 selling, serving, storing, keeping, manufacturing or giving away controlled substances in
9 violation of Health and Safety Code section 11570, *et seq.* Under the control of Bounty
10 Hunter gang members, the Property is being used to store and sell narcotics at and from
11 within the Property to drug users and buyers who are drawn there to purchase and use
12 narcotics.

13 29. Defendant and Does 1 through 50 are responsible for conducting, maintaining,
14 and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has no plain,
15 speedy and adequate remedy at law, and unless Defendant, and Does 1 through 50, are
16 restrained and enjoined by order of this Court, they will continue to use, occupy and maintain,
17 and/or to aid, abet or permit, directly or indirectly, the use, occupation and maintenance of the
18 Property, together with the fixtures and appurtenances located therein, for the nuisance
19 complained of herein, to the great and irreparable damage of the public and in violation of
20 California law.

21 **SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

22 **[Civil Code section 3479, *et seq.*--**

23 **Against Defendant and DOES 1 through 50]**

24 30. Plaintiff hereby incorporates by reference Paragraphs 1 through 29 of this
25 Complaint and makes them part of this Second Cause of Action as though fully set forth
26 herein.

27 31. On a continuous and ongoing basis, from an exact date unknown, but since at
28 least 2008, through the present time, the Property has been owned, operated, occupied,

1 used, and/or directly or indirectly permitted to be occupied and used, in such a manner as to
2 constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The public
3 nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
4 and/or an obstruction to the free use of property, so as to substantially and unreasonably
5 interfere with the comfortable enjoyment of life or property by those persons living in the
6 surrounding community. The public nuisance at the Property consists of, but is not limited to:
7 narcotics sales drawing in parades of narcotics users and buyers to the Property every day;
8 criminal threats; robberies; the possession of ammunition by Bounty Hunter felons; and the
9 threatening presence of Bounty Hunter gang members.

10 32. Defendant and Does 1 through 50, in owning, conducting, maintaining, and/or
11 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
12 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
13 law-abiding persons in the area surrounding the Property.

14 33. Unless Defendant and Does 1 through 50, are restrained and enjoined by order
15 of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,
16 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
17 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
18 and irreparable damage of Plaintiff and in violation of California law.

19 **THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

20 **[Business and Professions Code Section 17200, *et seq.* --**

21 **Against Defendant and DOES 1 through 50]**

22 34. Plaintiff hereby incorporates by reference Paragraphs 1 through 33 of this
23 Complaint and makes them part of this Third Cause of Action, as if fully set forth herein.

24 35. Ownership and rental of residential housing, such as the Property, is a business.
25 When the owner of such a business violates the NAL and/or PNL such that a nuisance exists
26 and flourishes at the business' premises, as alleged herein, it is also a violation of the UCL.

27 36. Defendant and Does 1 through 50 have violated the UCL by engaging in the
28 following unlawful or unfair business acts and practices: conducting, maintaining and/or

1 permitting, directly or indirectly, narcotics activity at the Property amounting to violations of the
2 NAL as alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly,
3 narcotics and other gang-related criminal and/or nuisance activity at the Property, as alleged
4 herein, in violation of the PNL.

5 37. Plaintiff has no adequate remedy at law, and unless Defendant and Does 1
6 through 50 are restrained and enjoined by order of this Court they will continue to commit
7 unlawful business practices or acts, thereby causing irreparable injury and harm to the
8 public's welfare.

9 **PRAYER**

10 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
11 **DECREE AS FOLLOWS:**

12 **AS TO THE FIRST CAUSE OF ACTION**

13 1. That Defendant, Does 1 through 50, and the Property, be declared in violation of
14 Health and Safety Code section 11570, *et seq.*

15 2. That the Property, together with the fixtures and moveable property therein and
16 thereon, be found to constitute a public nuisance and be permanently abated as such in
17 accordance with Section 11581 of the California Health and Safety Code.

18 3. That the Court grant a preliminary injunction, permanent injunction and order of
19 abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety
20 Code, enjoining and restraining the Defendant and his agents, officers, employees and
21 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
22 manufacturing, or giving away controlled substances on the Property, and/or directly or
23 indirectly maintaining or permitting such nuisance activity.

24 4. That the Court order physical and managerial improvements to the Property in
25 accordance with California Health and Safety Code section 11573.5, and such orders as are
26 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
27 process, including but not limited to, the following: an internet-connected video monitoring
28 system accessible by LAPD; improved lighting; sufficiently secured gating and fencing;

1 improved tenant screening and lease enforcement procedures; armed, licensed security
2 guards; prohibiting known gang members from accessing the Property; and the appointment
3 of a receiver to carry out the Court's orders.

4 5. That as part of the Judgment, an Order of Abatement be issued, and that the
5 Property be closed for a period of one year, not to be used for any purpose, and be under the
6 control and custody of this Court for said period of time; or, in the alternative, if the Court
7 deems such closure to be unduly harmful to the community, that Defendant and Does 1
8 through 50 pay an amount of damages equal to the fair market rental value of the Property for
9 one year to the City or County in whose jurisdiction the nuisance is located in accordance with
10 Health and Safety Code section 11581 subdivision (c)(1).

11 6. That Defendant and Does 1 through 50 each be assessed a civil penalty in an
12 amount not to exceed twenty-five thousand dollars (\$25,000.00).

13 7. That all fixtures and moveable property used in conducting, maintaining, aiding
14 or abetting the nuisance at the Property be removed by the LAPD and sold in the manner
15 provided for the sale of chattels under execution. Said fixtures and property shall be
16 inventoried and a list prepared and filed with this Court.

17 8. That there shall be excepted from said sale, such property to which title is
18 established in some third party not a defendant, nor agent, officer, employee or servant of any
19 defendant in this proceeding.

20 9. That the proceeds from said sale be deposited with this Court for payment of the
21 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,
22 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
23 other costs as the Court shall deem proper.

24 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
25 allowances, the Property shall also be sold under execution issued upon the order of the
26 Court or judge and the proceeds of such sale shall be applied in a like manner.

27 11. That any excess monies remaining after payment of approved costs shall be
28 delivered to the owner of said property. Ownership shall be established to the satisfaction of

1 this Court.

2 12. That Defendant, Does 1 through 50, and any agents, trustees, officers,
3 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
4 enjoined from transferring, conveying, or encumbering any portion of the Property, for
5 consideration or otherwise, without first obtaining the Court's prior approval.

6 13. That Defendant and Does 1 through 50 be ordered to immediately notify any
7 transferees, purchasers, commercial lessees, or other successors in interest to the subject
8 Property of the existence and application of any temporary restraining order, preliminary
9 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
10 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
11 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
12 the subject of this Action.

13 14. That Defendant and Does 1 through 50 be ordered to immediately give a
14 complete, legible copy of any temporary restraining order and preliminary and permanent
15 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
16 to the Property.

17 15. That Defendant and Does 1 through 50 be ordered to immediately request and
18 procure signatures from all prospective transferees, purchasers, lessees, or other successors
19 in interest to the subject Property, which acknowledges his/her respective receipt of a
20 complete, legible copy of any temporary restraining order, preliminary and permanent
21 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
22 Office, c/o Deputy City Attorney Jeanne Kim or her designee.

23 16. That Plaintiff recover the costs of this Action, including law enforcement
24 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
25 \$1,000,000.00, from Defendant and Does 1 through 50.

26 **AS TO THE SECOND CAUSE OF ACTION**

27 1. That Defendant Does 1 through 50 and the Property be declared in violation of
28 Civil Code section 3479, *et seq.*

1 2. That the Property, together with the fixtures and moveable property therein and
2 thereon, be declared a public nuisance and be permanently abated as such in accordance
3 with Civil Code section 3491.

4 3. That Defendant and his agents, officers, managers, employees and anyone
5 acting on his behalf, and his heirs and assignees, be preliminarily and perpetually enjoined
6 from operating, conducting, using, occupying, or in any way permitting the use of the Property
7 as a public nuisance. Such orders should include, but not be limited to physical and
8 managerial improvements to the Properties, a 1,000 feet stay away order from the Property,
9 and such other orders as are appropriate to remedy the nuisance on the Properties and
10 enhance the abatement process.

11 4. Such costs as may occur in abating said nuisance at the Property and such
12 other costs as the Court shall deem just and proper.

13 5. That Plaintiff be granted such other and further relief as the Court deems just
14 and proper, including closure and/or demolition of the Property.

15 **AS TO THE THIRD CAUSE OF ACTION**

16 1. That Defendant and DOES 1 through 50 be declared in violation of Business
17 and Professions Code section 17200.

18 2. That Defendant, as well as his agents, managers, heirs, successors, and
19 anyone acting on his behalf, be permanently enjoined from maintaining, operating, or
20 permitting any unlawful or unfair business acts or practices in violation of Business and
21 Professions Code section 17200.

22 3. That the Court grant a preliminary and/or permanent injunction prohibiting
23 Defendant, as well as his agents, managers, heirs, successors, and anyone acting on his
24 behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the
25 Property and in the City of Los Angeles. Such orders should include physical and managerial
26 improvements to the Property.

27 4. That, pursuant to Business and Professions Code section 17206, Defendant be
28 assessed a civil penalty of \$2,500 for each and every act of unfair competition.

1 5. That, pursuant to the Court's equitable power and Business and Professions
2 Code section 17203, the Court make such orders or judgments, including appointment of a
3 receiver, to eliminate the unfair competition alleged herein.

4 **AS TO ALL CAUSES OF ACTION**


5 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
6 the service of process or notices which would have been paid but for Government Code
7 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
8 amount of the fees for certifying and preparing transcripts.

9 2. That Plaintiff be granted such other and further relief as the Court deems just
10 and proper.

11 DATED: April 24, 2017

Respectfully submitted,

12 MICHAEL N. FEUER, City Attorney
13 MARY CLARE MOLIDOR, Chief, Crim. & Spec. Lit. Branch
14 JONATHAN CRISTALL, Assistant City Attorney

15 By: 
16 JEANNE KIM, Deputy City Attorney
17 Attorneys for Plaintiff, THE PEOPLE OF THE
18 STATE OF CALIFORNIA